



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUL 14 2009

Stefan C. Passantino, Esq.
McKenna Long & Aldridge LLP
1900 K Street, Northwest
Washington, DC 20006

RE: MUR 6140
Andrew MacPherson
Barr 2008 Presidential Committee,
and David Chastain, in his official
capacity as treasurer

Dear Mr. Passantino:

On December 9, 2008, the Federal Election Commission notified your clients, Andrew MacPherson and the Barr 2008 Presidential Committee, and David Chastain, in his official capacity as treasurer ("Barr Committee") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on July 2, 2009, voted to find no reason to believe that your clients violated the Act and has closed the file. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information. The Commission reminds your client, the Barr Committee, that it must amend its 2008 September Monthly Report to correct the purpose of the disbursement in issue.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). If you have any questions, please contact J. Cameron Thurber, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, reading "Susan L. Lebeaux".

Susan L. Lebeaux
Assistant General Counsel

Enclosure
Factual and Legal Analysis

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1 **FEDERAL ELECTION COMMISSION**

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3 **FACTUAL AND LEGAL ANALYSIS**

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5 **RESPONDENTS:** Andrew MacPherson
6 Barr 2008 Presidential Committee, and
7 David Chastain, in his official
8 capacity as treasurer
9

MUR: 6140

10 **I. INTRODUCTION**

11 This matter was generated by a complaint filed with the Federal Election Commission
12 ("Commission") by Citizens for Responsibility and Ethics in Washington. See 2 U.S.C.
13 § 437g(a)(1). For the reasons set forth below, the Commission finds no reason to believe that
14 Andrew MacPherson, and the Barr 2008 Presidential Committee, and David Chastain, in his
15 official capacity as treasurer (the "Barr Committee"), violated 2 U.S.C. § 439a(b)(2)(B) and
16 11 C.F.R. § 113.1(g).

17 **II. DISCUSSION**

18 The complaint alleges that on August 12, 2008, the Barr Committee spent \$500 for a
19 "clothing allowance" for the personal use of Andrew MacPherson, a campaign staffer, as
20 reflected in the committee's 2008 September Monthly Report filed on September 19, 2008.

21 In its response, the Barr Committee states the \$500 disbursement was mistakenly called a
22 "clothing allowance" when in fact it was additional compensation for Mr. MacPherson and
23 should have been described as such. The Barr Committee's response included supporting sworn
24 affidavits from both Mr. MacPherson and the committee's treasurer. The Barr Committee further
25 states that it will amend its 2008 September Monthly Report to reflect the correct purpose of the
26 distribution.

1 Therefore, there is no reason to believe that Andrew MacPherson, and the Barr 2008
2 Presidential Committee, and David Chastain, in his official capacity as treasurer, violated
3 2 U.S.C. § 439a(b)(2)(B) and 11 C.F.R. § 113.1(g).